

OCT 15 1986

INTER-OFFICE COMMUNICATION FROM
THE OFFICE OF
CLERK OF THE BOARD OF COUNTY COMMISSIONERS

DATE: October 10, 1986

TO: Jan Winters, County Administrator
Lisa Heasley, County Attorney's Office
Tom McEaddy, Asst. Co. Attorney
David Bludworth, State Attorney
Joy Shearer, Asst. Attorney General
Captain Cook, Sheriff's Dept.-Civil
Jerry Nolan, Sheriff's Office-Admin.
John Lehner, PZ&B
Bob Palchanis, Building Division
Patty Young, 4th Dist. Ct. of Appeals
Law Library
County Library (2)
Pinky Yount, PBC Municipal League, Inc.
1708 N. Lakeside Drive, Lake Worth, FL 33460
Jack McGregor, Internal Auditor
Wanda Isenburg, Finance Dept.

FROM: John W. Dame
Chief Deputy Clerk

RE: PALM BEACH COUNTY ORDINANCE DISTRIBUTION

ORDINANCE NO. 86-33

TITLE REFERENCE:

AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF PALM BEACH COUNTY, FL, AMENDING SECTIONS 2 AND 10 PALM BEACH COUNTY ORDINANCE NO. 84-10, AS AMENDED BY ORDINANCE NO. 85-7, AS AMENDED BY ORDINANCE NO. 85-22, AS AMENDED BY ORD NO. 86-2, WHICH PROVIDES FOR THE IMPOSITION OF SPECIAL ASSESSMENT FOR MANDATORY GARBAGE & WASTE COLLECTION & DISPOSAL WITHIN SEVEN (7) MUNICIPAL SERVICE BENEFIT UNITS IN THE UNINCORPORATED AREA OF PALM BEACH COUNTY...

Attached is a copy of the above referenced Ordinance of Palm Beach County. This Ordinance has been filed with Florida Department of State and forwarded to Municipal Code Corporation for codification. The effective date is October 6, 1986.

JWD:ph/lc

attachment

cc:* Commissioners, BCC
Clerk of BCC
Minutes

* If a copy of ord. is needed please advise Ms. Lorie Clinger, Finance Department at 837-2959. -

ORDINANCE NO. 86-33

AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA, AMENDING SECTIONS 2 AND 10 PALM BEACH COUNTY ORDINANCE NO. 84-10, AS AMENDED BY ORDINANCE NO. 85-7, AS AMENDED BY ORDINANCE NO. 85-22, AS AMENDED BY ORDINANCE NO. 86-2, WHICH PROVIDES FOR THE IMPOSITION OF SPECIAL ASSESSMENT FOR MANDATORY GARBAGE AND WASTE COLLECTION AND DISPOSAL WITHIN SEVEN (7) MUNICIPAL SERVICE BENEFIT UNITS IN THE UNINCORPORATED AREA OF PALM BEACH COUNTY, FLORIDA, FOR THE PURPOSE OF AMENDING THE DEFINITION OF COMMERCIAL PROPERTY AND REVISING BILLING PROCEDURES FOR RESIDENTIAL UNITS THAT BECOME SUBJECT TO THE SERVICE CHARGE; AND PROVIDING FOR SEVERABILITY; PENALTIES; REPEAL OF CONFLICTING ORDINANCES; INCLUSION IN THE CODE OF LAWS AND ORDINANCES; EFFECTIVE DATE

WHEREAS, it is appropriate to amend Palm Beach County's Mandatory Garbage and Waste Ordinance to provide that commercial property which does not consist of at least one (1) dwelling unit and which requires specialized roll-off handling equipment is not within the scope of such ordinances, and

WHEREAS, such provisions now clarify that that commercial property which does not consist of at least one dwelling unit and which requires special roll-off handling equipment is not within the scope of the grant of the franchise and such property may receive garbage and waste collection and disposal services from other than the County's franchised sanitation companies, and

WHEREAS, such change is necessary and desirable for the public welfare as well as ensuring the effective and efficient implementation of the franchises by the County's franchised sanitation companies.

NOW THEREFORE, BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA that:

Part I - Subsection D of Section 2, Definitions, of Ordinance No. 84-10, as amended by Ordinance No. 85-7, as amended by Ordinance No. 85-22, as amended by Ordinance No. 86-2, is hereby amended as follows:

D. Commercial Property: Hotels, motels, any multi-family residence exceeding three dwelling units under one common roof, and mobile homes, including those mobile homes located in mobile home parks, however excluding those mobile homes considered real property under the Florida Constitution and Florida Statutes. Additionally, all commercial

1 (wholesale/retail), manufacturing, industrial and institutional
 2 enterprises of all types licensed to do business in Palm Beach County,
 3 excluding that commercial property which does not consist of at least
 4 one (1) dwelling unit and which ~~requiring~~ requires specialized roll-off
 5 handling equipment. Also, any building or structure containing a
 6 dwelling unit or units that is furnished, with or without rent, as an
 7 incident of employment, regardless of the number of dwelling units under
 8 one common roof, which is located upon real property that is the situs of
 9 said employment and upon which are located buildings or structures
 10 otherwise treated as commercial property under the terms of this Section.

11 Part II - Subsections B and C of Section 10 of Ordinance 84-10, as
 12 amended by Ordinance No. 85-7, as amended by Ordinance No. 85-22, as
 13 amended by Ordinance No. 86-2, are hereby amended as follows:

14 B. Commencing October 1, 1986, the garbage and waste
 15 collection service charge shall be billed no more than twelve (12) months
 16 ~~one-(1)-quarter~~ in advance ~~and may be billed thirty-(30)-days prior to~~
 17 ~~the first collection day of the invoice quarter~~ by the Board or
 18 franchisee, as applicable, and All payments therefrom will be
 19 considered the funds of the franchise and not the benefit units, except
 20 any payments received subsequent to the imposition of a lien for
 21 failing to time pay such charge as provided in this Section, shall
 22 be considered the funds of the benefit units. The actual number of
 23 months to be billed for any applicable service year and upon which
 24 the amount of the prorated service charge shall be determined shall
 25 be the number of months remaining in the service year at the time a
 26 residential unit becomes subject to the service charge as provided
 27 herein. All annual billings of such service charge shall occur at
 28 or about the same time the Board bills the annual collection special
 29 assessment pursuant to the provisions of Section 11 of this Ordinance.
 30 Failure to receive any such bill shall not relieve the obligation for
 31 payment. Bills are due when rendered and are the obligation of the
 32 owners of the residential unit.

1 C. All regular annual billings of the service charge shall
2 Bills become delinquent if not fully paid by the first day collection
3 day of April of the-invoiced-quarter each service year. Service
4 charge billings for less than twelve (12) months shall become
5 delinquent if not paid in full within thirty (30) days of the billing
6 date. However, the said expiration periods for payment of the
7 applicable billings of the service charge shall not prevent or limit
8 the ability of the owner of the residential unit to make arrangements
9 for equal quarterly installment payments of the service charge, subject
10 to the same terms and conditions as provided under Section 11 of this
11 Ordinance for the billing of the annual collection special assessment,
12 except that all such requests for quarterly installment payments for
13 less than a twelve (12) month billing of the service charge shall be
14 made within thirty (30) days of the date the residential unit becomes
15 subject to the service charge as provided herein. The franchisee shall
16 notify the Board of all residential units for which the bill becomes
17 delinquent. All delinquent bills are chargeable against the owners of
18 the residential units and shall constitute and are hereby imposed as
19 liens against such residential units, upon approval by the Board of a
20 resolution containing the information described in Section 11 of this
21 Ordinance. Until fully paid and discharged or barred by law, said liens
22 shall be equal in rank and dignity to the lien of County ad valorem taxes
23 and special assessments and superior in rank and dignity to all other
24 liens, encumbrances, titles and claims in and to or against the real
25 property involved. The provisions contained in Section 11 of this
26 Ordinance regarding the preparation and filing of a resolution, mailing
27 of the notice of lien and satisfaction of lien are also applicable to
28 delinquent bills described in this paragraph. The initiation of the
29 annual collection special assessment against the owner of residential
30 units shall not release said owner from his responsibility hereunder.

31 Part III - REPEAL OF LAWS IN CONFLICT

32 All local laws and ordinances applying to the unincorporated
33 area of Palm Beach County in conflict with any provisions of this
34 ordinance are hereby repealed.

Part IV - SEVERABILITY

If any section, paragraph, sentence, clause, phrase, or word of this ordinance is for any reason held by the Court to be unconstitutional, inoperative or void, such holding shall not affect the remainder of this ordinance.

Part V - PENALTIES

Violations of this Ordinance shall be prosecuted in the same manner as misdemeanors are prosecuted and upon conviction shall be punished by fine not to exceed five hundred dollars (\$500.00) or by imprisonment in the County Jail not to exceed sixty (60) days or by both fine and imprisonment.

Part VI - INCLUSION IN THE CODE OF LAWS AND ORDINANCES

The provisions of this ordinance shall become and be made a part of the code of laws and ordinances of Palm Beach County, Florida. The Sections of the ordinance may be renumbered or relettered to accomplish such, and the word "ordinance" may be changed to "section," "article," or any other appropriate word.

Part VII - EFFECTIVE DATE

The provisions of this ordinance shall become effective upon receipt of acknowledgement by the Secretary of State.

APPROVED AND ADOPTED by the Board of County Commissioners of Palm Beach County, Florida, on the 23 day of September, 1986.

PALM BEACH COUNTY, FLORIDA, BY ITS
BOARD OF COUNTY COMMISSIONERS

By

Chairman

APPROVED AS TO FORM AND
LEGAL SUFFICIENCY

County Attorney

Acknowledgement by the Department of State of the State of Florida, on this, the 1st day of October, 1986.

EFFECTIVE DATE: Acknowledgement from the Department of State received on the 6th day of October, 1986, at 11:53 A.M., and filed in the Office of the Clerk of the Board of County Commissioners of Palm Beach County, Florida.

STATE OF FLORIDA, COUNTY OF PALM BEACH
I, JOHN B. DUNKLE, ex-officio Clerk of the
Board of County Commissioners certify this to
be a true and correct copy of the original filed in
my office on September 23, 1986
DATED at West Palm Beach, FL on 10/10/86
JOHN B. DUNKLE, Clerk
By: [Signature] D.C.
Deputy Clerk